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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,830	12/08/2003	Lida A. Ramaley	RAMA-002	4221

7590

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EXAMINER

LEE, GILBERT Y

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,830

Applicant(s)

RAMALEY, LIDA A.

Examiner

Gilbert Y. Lee

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/8/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 1, Line 21, "have invented" should be changed to "has invented".

Appropriate correction is required.

Claim Objections

1. Claim 5 is objected to because of the following informalities: "a end" should be changed to "an end". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Claim 8 recites the limitation "said side, top and end panels" in Line 1. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 8 also states that said side, top and end panels are interconnected to each other and said ground cloth with one zipper fastener. It is unclear as to how the whole

Art Unit: 3673

canopy can be connected by one zipper. For the purposed of this examination, the examiner is interpreting the claim so that the canopy can only be connected by a plurality of zippers.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4-6, 8, 9, and 12-16, rejected under 35 U.S.C. 102(b) as being anticipated by Ranken (US Patent No. 2,259,267).

Regarding claim 1, the Ranken reference discloses a sleeping bag system (Fig. 4) comprising: a sleeping bag (9); a ground cloth (1); a canopy (2, 3, 4); and support poles (Fig. 6).

Regarding claim 2, the Ranken reference discloses a water-repellant ground cloth (Page 2, Col. 1, Lines 1-2).

Regarding claim 4, the Ranken reference discloses a sleeping bag attached to said ground cloth with fasteners (Page 2, Col. 1, Lines 21-28).

Regarding claim 5, the Ranken reference discloses a canopy (2, 3, 4) having a top (2), an end (3) and a pair of side panels (4).

Art Unit: 3673

Regarding claim 6, the Ranken reference discloses a canopy having side, top and end panels made from water-repellant material (Page 2, Col. 1, Lines 1-2 and Page 2, Col. 2, Lines 1-3).

Regarding claim 8, the Ranken reference discloses a side, top and end panel interconnected to each other and said ground cloth with zipper fasteners (Figs. 3 and 5).

Regarding claim 9, the Ranken reference discloses side panels including a window (18) with a rain flap (17).

Regarding claim 12, the Ranken reference discloses collapsible support poles (Fig. 6).

Regarding claim 13, the Ranken reference discloses a slot for insertion of an air mattress (Page 2, Col. 1, Lines 21-28).

Regarding claim 14, the Ranken reference discloses windows made of mosquito netting (Page 2, Col. 2, Lines 1-3).

Regarding claim 15, the Ranken reference discloses fastening straps (32) to secure said window rain flap in a rolled up position.

Regarding claim 16, the Ranken reference discloses fastening straps (6) to secure the sleeping bag system into a rolled up shape (Page 2, Col. 1, Lines 6-9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3673

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranken in view of Leibold (US Patent No. 1,670,460).

The Ranken reference discloses the invention substantially as claimed, but fails to disclose the ground cloth or the canopy being made of waterproof material. Attention is directed to the Leibold reference which discloses waterproof material be used on an outer covering. It would have been obvious to one skilled in the art to apply such a material to the Ranken reference in view of the teachings of the Leibold reference "so that there will be practically no likelihood of the bag becoming too wet to be used" (Page 1, Col.1, Lines 11-18).

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ranken in view of Strausser (US Patent No. 6,192,909).

The Ranken reference discloses the invention substantially as claimed, but fails to disclose a storage compartment. Attention is directed to the Strausser reference, which teaches a storage compartment (32). To provide such a storage compartment to the Ranken reference in view of the teachings of the Strausser reference would have been obvious to one skilled in the art to allow for storage of items.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ranken.

The Ranken reference discloses the invention substantially as claimed, but fails to disclose the canopy being made from camouflage material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a camouflage material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. See also *Ballas Liquidating Co. v. Allied industries of Kansas, Inc.* (DC Kans) 205 USPQ 331.

Allowable Subject Matter

1. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

"Two-way storage compartment" is interpreted to be a compartment that is accessible from the interior or the exterior of the tent or a storage compartment having

Art Unit: 3673


an opening on the outer wall and an opening on the inner wall, as described in the specification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gilbert Y. Lee whose telephone number is 571-272-5894. The examiner can normally be reached on 8:30 - 5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 571-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GL
11/8/05


Suzanne Dino Barrett
Primary Examiner

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